

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice RMT. TEEKAA RAMAN

H.C.P. Nos. 994 and 813 of 2018

R.Aruljothi ... Petitioner in
HCP 994/2018

Poongothai ... Petitioner in
HCP 813/2018

-vs-

The Superintendent of Police,
Nagapattinam District,
Nagapattinam.

State rep. By its
The Inspector of Police,
Mayiladuthurai Police Station,
Nagapattinam District. ... Respondents 1 & 2
in HCP Nos. 813,
944/2018

Poongothai ... 3rd respondent in
HCP 944/2018

Prayer in HCP No. 994/2018 : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the 1st and 2nd respondents to produce the detenu minor A.Priyadharshini aged about 14 years from illegal custody of 3rd respondent before this Court and restore the legal custody of the detenu.

Prayer in HCP No. 813/2018 : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the respondents herein to produce the body and person of the detenu by name Brindha who is aged about 16 years before this Court and hand over to the petitioner.

For Petitioner
in HCP 994/18

: M/s. K.M.Vijayan Associates

For Respondents

Mr.R.Prathap Kumar
: Addl. Public Prosecutor for
R1,R2
in HCP Nos. 994,813 of 2018
Mr.R.Thirumoorthy for R3
in HCP No. 994 of 2018
and for Petitioner in HCP
813/2018

COMMON ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

Seeking a direction to the respondents 1 and 2 to produce the detainees and hand over the custody to the petitioners, the present habeas corpus petitions have been filed.

2. In both the cases, the detainees are minors. The status report filed by the Superintendent of Police would prima facie reveal that they were in relationship. When it was questioned, they left their homes. The evidence of School Head Mistress and the teachers also would prima facie confirm the aforesaid position.

3. Inasmuch as the elopement has taken place for more than a year and the investigation is going on under the supervision of the first respondent, namely, the Superintendent of Police, Nagapattinam District, we are not inclined to keep the matter pending any longer. Accordingly, the habeas corpus petitions stand closed with a direction to the Inspector of Police to continue with the investigation to be supervised and monitored by the Superintendent of Police, Nagapattinam District. As and when the detainees are secured, they should be produced before the jurisdictional Magistrate.

4. The statement made by the learned Additional Public Prosecutor that a special team has been formed to search for the detainees in each District stands recorded. However, liberty is given to the petitioners to file separate writ petitions at a later point of time, if the detainees are not secured even after the search made.

Sd/-

Assistant Registrar (CO)

//True copy//

Sub Assistant Registrar

mmi/ssm

To

1.The Superintendent of Police,
Nagapattinam District,
Nagapattinam.

2.The Inspector of Police,
Mayiladuthurai Police Station,
Nagapattinam District.

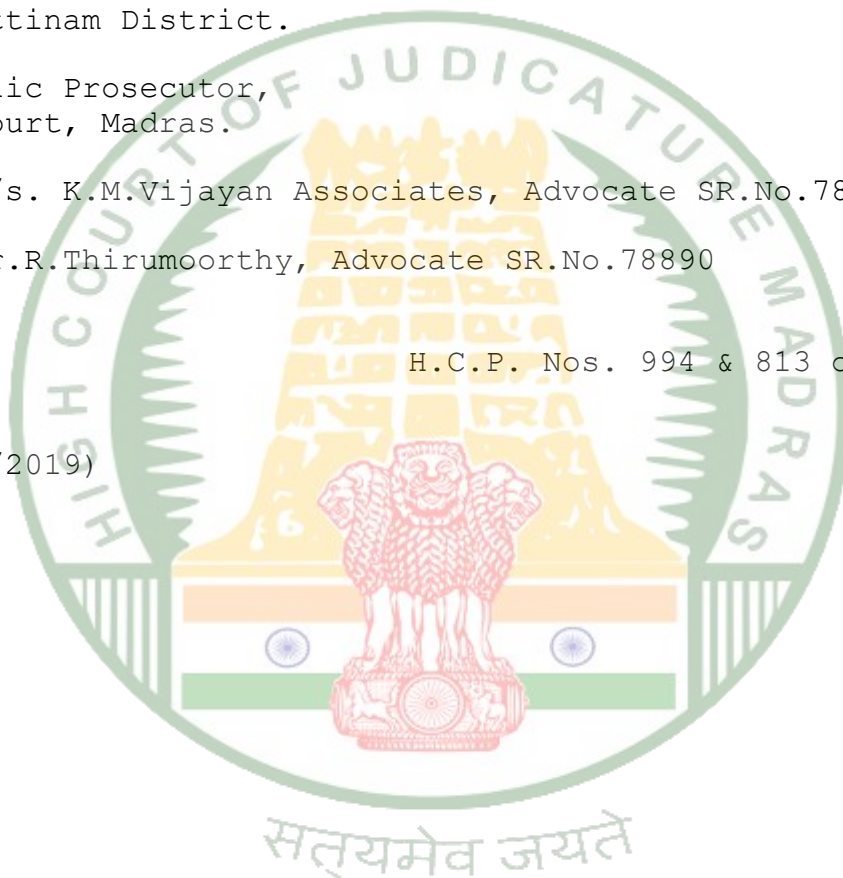
3.The Public Prosecutor,
High Court, Madras.

+1cc to M/s. K.M.Vijayan Associates, Advocate SR.No.78747

+1cc to Mr.R.Thirumoorthy, Advocate SR.No.78890

H.C.P. Nos. 994 & 813 of 2018

PA (CO)
GMY (18/10/2019)



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